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## CHAPTER 63

*An act relating to the tide and submerged lands granted to the City of Vallejo by Chapter 310 of the Statutes of 1913.*

[Approved by Governor May 1, 1962. Filed with  
Secretary of State May 1, 1962 ]

*The people of the State of California do enact as follows:*

SECTION 1. The parcel to which the provisions of this act are applicable consists of that portion of the tide and submerged lands heretofore conveyed to the City of Vallejo upon certain trusts and conditions by Chapter 310 of the Statutes of 1913, more fully described as follows:

Bounded on the Northeast by the Southwesterly boundaries of lands heretofore conveyed by Patents from the State of California to private individuals as tideland surveys; and

Bounded on the West, Southwest and Southeast by a line particularly described as:

Beginning at a point located by commencing at the intersection of the South line of Pennsylvania Street with the East line of Santa Clara Street according to the official map of the City of Vallejo filed September 19, 1868 in Book 1 of Maps at Page 123; thence South  $88^{\circ} 53' 30''$  East, 6.55 feet to the True Point of Beginning (said true point of beginning being marked by Monument No. 101 of the Record of Survey and Partition Map filed in the Office of the County Recorder of Solano County, California on April 29, 1952 in Book 2 of Surveys, Page 37); thence due South 114.85 feet to a point on the existing timber bulkhead constructed by the City of Vallejo during the year 1914; thence due South 293 feet to a point on the combined pierhead and bulkhead line as established by the U.S. Army Corps of Engineers; thence S.  $38^{\circ} 43' 53''$  E. along said combined U.S. Pierhead and Bulkhead line a distance of 4070.25 feet, more or less to a point on the Northwesterly boundary of the area described in Deed to Basalt Rock Company dated May 25, 1934 and recorded in the office of the County Recorder of said County in Book 124 of Official Records at Page 305; thence N.  $54^{\circ} 14' 45''$  E. along the boundary of the area described in said Deed a distance of 301.88 feet to a point on the aforementioned existing timber bulkhead constructed by the City of Vallejo in the year 1914; thence continuing N.  $54^{\circ} 14' 45''$  E. along said boundary described in Deed to Basalt Rock Company a distance of 220 feet, more or less, to a point on the Southwest boundary of Tideland Survey No. 25-A, sometimes referred to as No. 25.

SEC. 2. (a) In addition to the purposes expressed in Chapter 310 of the Statutes of 1913, the tide and submerged lands included in the parcel described in Section 1 may be used by the City of Vallejo and its successors for purposes in which there is a general statewide purpose as follows:

(1) For the establishment, improvement and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient, for the promotion and accommodation of commerce and navigation.

(2) For all commercial and industrial uses and purposes, and the construction, reconstruction, repair and maintenance of commercial and industrial buildings, plants and facilities.

(3) For the establishment, improvement and conduct of an airport and heliport or aviation facilities, including but not limited to approach, takeoff and clear zones in connection with airport runways, and for the construction, reconstruction,

repair, maintenance and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of air commerce and air navigation.

(4) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this section.

(5) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(6) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snack bars, cafes, restaurants, motels, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas

(b) The city or its successors shall not, at any time, grant, convey, give or alienate lands included in the parcel described in Section 1, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said city, or its successors, may, notwithstanding any provision in Chapter 310 of the Statutes of 1913 to the contrary, grant franchises thereon for limited periods, not exceeding 99 years, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, not exceeding 99 years, for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce and navigation, and collect and retain rents and other revenues from such leases, franchises and privileges. Such lease or leases, franchises and privileges may be for any and all purposes which shall not interfere with commerce and navigation. Nothing contained in this section shall be deemed to affect the validity or term of any franchise granted by said city

under the Franchise Act of 1937 or said city's charter, and any such franchise shall be effective with respect to said lands.

(c) Said lands shall be improved without expense to the State; provided, however, that nothing contained in this section shall preclude expenditures for the development of said lands for any public purpose not inconsistent with commerce, navigation and fishery, by the State, or any board, agency or commission thereof, when authorized or approved by the city, nor by the city of any funds received for such purpose from the State or any board, agency or commission thereof.

(d) In the management, conduct, operation and control of said lands or any improvements, betterments, or structures thereon, the city or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

(e) The State of California shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon said lands for any vessel or other watercraft, aircraft, or railroad owned or operated by the State of California.

(f) There is hereby reserved to the people of the State of California the right to fish in the waters on said lands with the right of convenient access to said water over said lands for said purpose.

(g) There is hereby excepted and reserved in the State of California all deposits of minerals, including oil and gas, in said lands, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said lands.

(h) Said lands are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

(i) The State Lands Commission shall, at the cost of the city, survey and monument said lands and record a description and plat thereof in the office of the County Recorder of Solano County.

(j) If said lands, or any part thereof, are not used for the additional purposes authorized by this section within 10 years from the effective date of said section, or if such use is discontinued thereafter, the authorization to use said lands for such additional purposes shall automatically terminate and lapse.